

REMARKS

Applicant requests favorable reconsideration and allowance of this application in view of the following remarks.

Claims 1-14 remain pending, of which Claims 1, 4, 7, 9, 11 and 13 are independent. No claims have been amended, canceled, or added.

Claims 1, 4, 7, 9, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,427,025 to Shimomura et al., in view of U.S. Patent Application Pub. No. 2003/0086127 to Ito. Claims 2, 3, 5, 6, 8, 10, 12, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimomura et al., in view of Ito and further in view of U.S. Patent 6,198,848 to Honma et al.

Applicant respectfully traverses the rejections and submits that the claims are distinguishable from the cited references for at least the following reasons.

The Office Action cites Shimomura et al., as allegedly disclosing an image processing apparatus and an image processing method comprising, *inter alia*, a compression unit, a data amount calculation unit, a determination unit, and a control unit. The Office Action further asserts Shimomura et al. discloses at col. 13, lines 63-67, and col. 18, lines 16 and 17, a counting unit that counts a number of times, and at col. 16, lines 38-40 & Fig. 57, a holding unit that holds the counted number of times. The Office Action still further asserts Shimomura et al. discloses at col. 28, lines 67 and 68, a decoding unit to decode data stored in memory on the basis of the number of counted times held by the holding unit.

Applicant respectfully submits, however, that Shimomura et al. fails to teach or suggest a counting unit as recited in Claims 1 and 7, and, similarly, Shimomura et al. fails to teach or suggest a counting step as recited in Claims 4 and 9. At col. 13, lines 63-67, wherein the Office Action asserts Shimomura et al. teaches a counting unit that anticipates the claimed counting unit, Shimomura et al. discloses a counter 301 that counts the number of times a signal 2a has an associated value of “1,” as well as a counter 302 that counts the number of times a signal 2a has

an associated value of “11” and a signal 2b has an associated value of “1.” In the apparatus of Shimomura et al., the value of “1” for the signal 2a is indicative of pixel data having a color change. Shimomura et al., col. 13, lines 63-65, see also, col. 13, lines 13-17. Thus, counter 301, in counting the number of times signal 2a has a value of “1,” is counting a number of color changes. Similarly, in the apparatus of Shimomura et al., the combination of a value of “11” for signal 2a and a value of “1” for signal 2b occurs when pixel data is present with a color not being stored in any latch, and, hence, is indicative of a color change. Shimomura et al., col. 13, lines 65-67, see also, col. 13, lines 18-31. Thus, counter 302, in counting the number of times a signal 2a has an associated value of “11” and a signal 2b has an associated value of “1,” is also counting a number of color changes. At col. 18, lines 16 and 17, wherein the Office Action also asserts Shimomura et al. teaches a counting unit that anticipates the claimed counting unit, Shimomura et al. discloses a counter 3 for counting the number of times objective pixel data does not coincide with the data stored in latches, and, hence, counting a number of color changes. Shimomura et al., col. 18, lines 16-19. Thus, the counters 3, 301, and 302 of Shimomura et al., which are cited in the Office Action, all function to count a number of color changes of pixel data.

On the other hand, Claims 1 and 7 of the present application recite a counting unit “which counts the number of times [the] determination unit determined that the data amount exceeded the capacity of the memory[.]” Similarly, Claims 4 and 9 recite a step of “counting the number of times determined in the determination step that the data amount exceeded the capacity of the memory[.]” Shimomura et al.’s counters 3, 301, and 302, in counting color changes in pixel data, do not in any way function as the claimed counting units and counting steps. That is, Shimomura et al.’s counters 3, 301, and 302 do not count the number of times that a data amount exceeded the capacity of the memory. Applicants further submit nothing else in Shimomura et al. can be understood to teach or suggest counting the number of times a data amount exceeds the capacity of a memory. Thus, Shimomura et al. does not teach or suggest an image

processing apparatus as recited in Claims 1 and 7, or an image processing method as recited in Claims 4 and 9.

For similar reasons, Applicants submit Shimomura et al. fails to teach or suggest a holding unit and decoding unit as recited in Claim 11, or a holding step and decoding step as recited in Claim 13. Specifically, Claim 11 recites a holding unit “which holds the number of times it was determined that the data amount exceeded the capacity of the memory in coding operation on the coding side” and “a decoding unit which decodes the data stored in the memory in accordance with the number of times stored in the holding unit.” Claim 13 recites “a holding step of holding the number of times it was determined that the data amount exceeded the capacity of the memory in coding operation on the coding side” and “a decoding step of decoding the data stored in the memory in accordance with the number of times stored in the holding step.” As noted above, Shimomura et al. does not teach or suggest determining the number of times a data amount exceeded the capacity of a memory. Thus, Shimomura et al. cannot be understood to teach or suggest holding units or steps that hold the number of times a data amount exceeded the capacity of a memory, or decoding units or steps that decode in accordance with the number of such times stored in the holding unit or step, as recited in Claims 11 and 13.

Applicant further submits the secondary citations to Ito and Homma et al. fail to cure the above-noted deficiencies of Shimomura et al. That is, neither of these references teaches or suggests a counting unit as recited in Claims 1 and 7, a counting step as recited in Claims 4 and 9, a holding unit or decoding unit as recited in Claim 11, and a holding step or decoding step as recited in Claim 13.

In sum, Applicant submits the references cited in the Office Action, whether taken individually or collectively, do not teach or suggest the apparatus and methods recited in independent Claims 1, 4, 7, 9, 11, and 13.

Dependent Claims 2, 3, 5, 6, 8, 10, 12, and 14 set forth additional features of Applicant’s invention. Individual consideration of the dependent claims is respectfully requested.

Applicant respectfully submits that all outstanding matters in the application have been addressed and that this application is now in condition for allowance. Favorable reconsideration and early passage of the application is respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicant
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 1590173v1